

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ESTELLE C. BRYANT and U.S. POSTAL SERVICE,
POST OFFICE, Seattle, WA

*Docket No. 01-2245; Submitted on the Record;
Issued August 21, 2002*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant established that she sustained an injury in the performance of duty.

On May 8, 2000 appellant, a 53-year-old clerk, filed a notice of occupational disease and claim for compensation (Form CA-2), alleging that she suffered from osteoarthritis of the right knee as a result of her federal employment. She attributed her condition to wear and tear from working 10 or more hours per day carrying up to 70 pounds. Appellant further stated that she climbed lots of hills and stairs in varying weather. She identified November 1, 1996 as the date she first became aware of her employment-related condition.

In a report dated June 15, 2000, Dr. Lance N. Brigham, a Board-certified orthopedic surgeon, diagnosed right knee osteoarthritis secondary to aggravation by an industrial injury of June 1996.

By letter dated July 6, 2000, the Office of Workers' Compensation Programs requested that appellant submit additional factual and medical information. She was further advised that the case would remain open for approximately 30 days in order to submit the requested information.

In response, the Office received treatment notes dated June 14, 2000 from Dr. Charles A. Peterson, a Board-certified orthopedic surgeon, who noted an impression of persistent right knee pain, improving slowly with physical therapy. He did not include a specific diagnosis, a history of injury or otherwise address the etiology of appellant's condition. The Office also received Dr. Brigham's June 29, 2000 treatment notes, wherein he diagnosed osteoarthritis of the right knee and left knee internal derangement. However, Dr. Brigham did not comment on the etiology of appellant's right knee condition.

In a decision dated September 7, 2000, the Office denied appellant's claim on the basis that she failed to establish that her claimed right knee condition was caused by her employment.

The Board finds that appellant has not met her burden of proof in establishing that she sustained an injury in the performance of duty.

A claimant seeking compensation under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of her claim by the weight of the reliable, probative and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any disability or specific condition for which compensation is being claimed is causally related to the employment injury.²

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that the condition was caused, precipitated or aggravated by her employment is sufficient to establish a causal relationship.³ Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.⁴ A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant.⁵ Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and the claimant's specific employment factors.⁶

The medical evidence accompanying appellant's claim is of little probative value in determining the cause of her injury. As previously noted, Dr. Brigham diagnosed right knee osteoarthritis secondary to aggravation by an industrial injury in June 1996. Appellant has an accepted claim for right knee abrasion (A14-0339985) with an injury date of July 1, 1996. This claim number and date of injury are correctly noted in the upper right corner of Dr. Brigham's June 15, 2000 treatment notes. However, there is no evidence that appellant sustained a June 1996 employment-related fall as reported by Dr. Brigham. Assuming that Dr. Brigham intended to refer to appellant's July 1, 1996 employment injury, his report nonetheless fails to explain the relationship between appellant's July 1, 1996 fall and her current diagnosis of osteoarthritis. As such, appellant has failed to present rationalized medical opinion evidence demonstrating a causal relationship between her claimed right knee osteoarthritis and her employment. Accordingly, appellant has failed to demonstrate that she sustained an injury in the performance of duty.

¹ 5 U.S.C. §§ 8101-8193.

² See *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996); *Melinda C. Epperly*, 45 ECAB 196 (1993); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Robert G. Morris*, 48 ECAB 238, 239 (1996).

⁴ *Id.*

⁵ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁶ *Id.*

The September 7, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
August 21, 2002

Colleen Duffy Kiko
Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member